

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEROY WILLIAMS,

Plaintiff,

v.

DOCTOR JULIE GALLAGHER,

Defendant.

Case No. C09-5805BHS/JRC

ORDER DIRECTING COUNSEL TO
PROVIDE AN ADDRESS FOR SERVICE
OF PROCESS ON DEFENDANT
GALLAGHER

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted in forma pauperis status and it is the court's duty to serve process. See, 28 U.S.C. 1915 (d).

The court has attempted to serve process by mail, requesting that Dr. Gallagher waive formal service (Dkt. # 6). That attempt has resulted in return of the documents "unexecuted." (Dkt # 10). Counsel has appeared, (Dkt. # 9). Further, counsel has filed an answer in which Dr. Gallagher affirmatively alleges insufficient service of process and lack of lack of personal jurisdiction (Dkt. # 11).

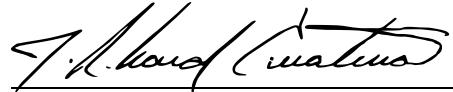
ORDER - 1

1 Fed. R. Civ. P. 4 (d) is controlling. When a defendant fails to accept a request for service
2 by mail the court will order the United States Marshal's office to serve process in person. The
3 court "must" impose the cost of this service on the defendant. See, Fed. R. Civ. P. 4 (d) (2)

4 Assistant Attorney General John C. Dittman is hereby ORDERED to provide an address
5 where his client Dr. Julie Gallagher can be personally served. Counsel will have until May 7,
6 2010, to comply with this order.

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8 The Clerk of court is directed to send plaintiff a copy of this order and note the May 7,
9 2010, deadline on the court's calendar.

10 DATED this 2nd day of April 2010.

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14 J. Richard Creatura
United States Magistrate Judge